

TSA to reconsider the denial. A Petition for Reconsideration must be filed with the designated official.

(4) Upon receipt of a Petition for Reconsideration, the designated official must either approve the request to amend the security program or transmit the petition, along with any pertinent information, to TSA for reconsideration. TSA will make a determination on the petition within 30 calendar days of receipt by either directing the designated official to approve the amendment or by affirming the denial.

(d) *Amendment by TSA.* TSA may amend a security program in the interest of safety and the public interest, as follows:

(1) TSA must notify the validation firm, in writing, of the proposed amendment, fixing a period of not less than 30 calendar days within which the validation firm may submit written information, views, and arguments on the amendment.

(2) After considering all relevant material, the designated official must notify the validation firm of any amendment adopted or rescind the notice of amendment. If the amendment is adopted, it becomes effective not less than 30 calendar days after the validation firm receives the notice of amendment, unless the validation firm disagrees with the proposed amendment and petitions the TSA to reconsider, no later than 15 calendar days before the effective date of the amendment. The validation firm must send the petition for reconsideration to the designated official. A timely Petition for Reconsideration stays the effective date of the amendment.

(3) Upon receipt of a Petition for Reconsideration, the designated official must either amend or withdraw the notice of amendment, or transmit the Petition, together with any pertinent information, to TSA for reconsideration. TSA must make a determination on the Petition within 30 calendar days of receipt, either by directing the designated official to withdraw or amend the notice of amendment, or by affirming the notice of amendment.

(e) *Emergency Amendments.* (1) If TSA finds that there is an emergency requiring immediate action that makes compliance with the procedural re-

quirements in this section contrary to the public interest, the designated official may issue an emergency amendment, without the prior notice and comment procedures described in paragraph (d) of this section.

(2) The emergency amendment is effective without stay on the date the validation firm receives notification. TSA will incorporate in the notification a brief statement of the reasons and findings for the emergency amendment to be adopted.

(3) The validation firm may file a Petition for Reconsideration with TSA no later than 15 calendar days after TSA issues the emergency amendment. The certified cargo screening facility must send the Petition for Reconsideration to the designated official; however, the filing does not stay the effective date of the emergency amendment.

(f) *Availability.* Each validation firm having a security program must do the following:

(1) Maintain an original of the security program at its corporate office.

(2) Have accessible a complete copy, or the pertinent portions of its security program, or appropriate implementing instructions, at each office where it conducts validation services. An electronic version is adequate.

(3) Make a copy of the security program available for inspection upon the request of TSA.

(4) Restrict the distribution, disclosure, and availability of information contained in its security program to persons with a need to know, as described in part 1520 of this chapter.

(5) Refer requests for such information by other persons to TSA.

§ 1522.107 Application.

(a) *Initial application and approval.* Unless otherwise authorized by TSA, each applicant must apply for a security program and for approval to operate as a validation firm, in a form and a manner prescribed by TSA, not less than 90 calendar days before the applicant intends to begin operations. The application must be in writing and include the following:

(1) The firm's legal name; other names, including doing business as

names; state of incorporation or licensing, if applicable; and tax identification number.

(2) The names of the senior officers or employees of the applicant who will serve as the Security Coordinator and alternates.

(3) A signed statement from each person listed in paragraph (a)(2) of this section stating whether he or she has been a senior manager or representative of any operator, whether or not a validation firm, that had its security program withdrawn by TSA.

(4) Copies of Government-issued identification of persons listed in paragraph (a)(2) of this section.

(5) The street address and e-mail address of the applicant.

(6) A statement acknowledging the requirement that all personnel of the applicant who are subject to training under the requirements of this part must successfully complete such training before performing security-related duties.

(7) Other information requested by TSA concerning security threat assessments.

(8) A statement acknowledging that all personnel of the applicant who must successfully complete a security threat assessment under the requirements of this part must do so before the applicant authorizes the personnel to perform duties under this part.

(b) *Standard security program.* After the Security Coordinator successfully completes a security threat assessment, TSA will provide to the applicant the validation firm standard security program, any security directives, and amendments to the security program and other alternative procedures that apply to validation firms. The applicant may either notify TSA that it accepts the standard security program or submit to TSA a proposed modified security program to the designated official for approval. The validation firm must also submit a supplement to the security program that specifies processes and procedures that the firm will use to maintain the qualification of its validators and its personnel assisting validators with assessments to the designated TSA official for approval. TSA will approve the security program

under § 1522.109, or issue a written notice to modify under § 1522.109(b).

§ 1522.109 TSA review and approval.

(a) *Review.* TSA will review an application received under § 1522.107 to determine whether—

(1) The applicant has met the requirements of this part, the proposed security program, and any applicable Emergency Amendment and Security Directive;

(2) The applicant is able and willing to carry out the requirements of this part, its security program, and an applicable Emergency Amendment and Security Directive;

(3) The approval of such applicant's security program is not contrary to the interests of security and the public interest;

(4) The applicant has not held a security program that was withdrawn within the previous year, unless otherwise authorized by TSA; and

(5) TSA determines that the applicant is qualified to be a validation firm.

(b) *Notice.*—(1) *Approval.* If an application is approved, TSA will send the applicant a written notice of approval of its security program, and approval to operate as a validation firm.

(2) *Commencement of operations.* A validation firm may commence operations when it has received approval under this section, and successfully completed training and security threat assessments for all relevant personnel.

(3) *Disapproval.* If an application is disapproved, TSA will serve a written notice of disapproval to the applicant. The notice of disapproval will include the basis of the disapproval of the application.

(c) *Duration of security program.* A security program approved under this section will remain effective until the end of the calendar month 12 months after the month it was approved or until the program has been surrendered or withdrawn, whichever is earlier.

§ 1522.111 Reconsideration of disapproval of an application.

(a) *Petition for reconsideration.* If TSA disapproves an application under section 1522.107, the applicant may seek